

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
FOREST LABORATORIES, INC.,

Plaintiff,

- against -

LEIF NISSEN,

Defendant.  
-----X

ECF CASE

07 Civ. 7399 (AKH)(MHD)

**DECLARATION OF JAMES W. DABNEY**

1. My Name is James W. Dabney. I am a member of the bar of this Court and of the firm of Fried, Frank, Harris, Shriver & Jacobson LLP, counsel for defendant Leif Nissen in this action. I have personal knowledge of the matter stated in this Declaration.

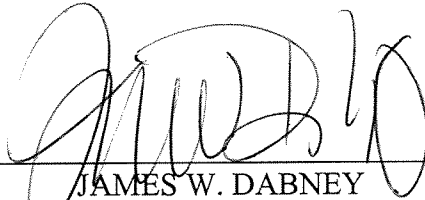
2. On September 7, 2007, I attended a conference in this case before the Honorable Alvin K. Hellerstein. The conference was also attended by two attorneys representing the plaintiff, Christopher Serbagi and Eric M. Agonino.

3. At the September 7 conference, Mr. Serbagi stated to the Court that the plaintiff desired to have the trial on the merits of this action commence on Tuesday, September 11, 2007, and that plaintiff expected to call only one witness at such a trial.

4. Annexed hereto as Exhibit 1 is a true copy of a letter dated September 7, 2007, that I received from counsel for the plaintiff.

James W. Dabney, hereby declare under penalty and perjury that the foregoing is true and correct.

Dated: September 21, 2007



A handwritten signature in black ink, appearing to read 'J. W. Dabney', is written over a horizontal line. Below the line, the name 'JAMES W. DABNEY' is printed in a sans-serif font.

JAMES W. DABNEY

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